

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ENCOMPASS INSURANCE COMPANY OF
MASSACHUSETTS,

Plaintiff,

vs.

JOSEPH D. GIAMPA, FREDERICK T.
GIAMPA, ADVANCED SPINE CENTERS,
INC. d/b/a FIRST SPINE REHAB, FUTURE
MANAGEMENT CORPORATION, FUTURE
MANAGEMENT BUSINESS TRUST,
EDWARD KENNEDY, BRIAN J.
CULLINEY, D.C. and JENNIFER
McCONNELL, D.C.

Defendants.

CIVIL ACTION NO.: 05-11693 RCL

AFFIDAVIT OF JOSEPH D. GIAMPA

I, Joseph D. Giampa, upon oath hereby do depose and state upon personal knowledge as follows:

1. I own or have a fractional equitable interest in the following properties:

Property	Owner	Estimate of Market Value	Identified Encumbrances	Purported Equity
24 Bird Street, Walpole, MA	Joseph Giampa	\$457,000.00	\$169,465.37	\$287,534.63
181 East Street, Walpole, MA	Joseph Giampa	\$454,000.00	\$236,166.00	\$217,834.00
222 East Street, Walpole, MA	Joseph Giampa	\$454,000.00	\$160,705.88	293,294.12 ¹
231 East Street, Walpole, MA	Joseph and Martha Giampa	\$454,000.00	\$237,729.96	\$216,270.04
238 East Street, Walpole, MA	East Street Realty Trust (Joseph and Martha Giampa)	\$540,000.00	\$0.00	540,000.00 ²

¹ 222 East Street is held by Joseph and Martha Giampa as tenants by the entirety. Accordingly, Joseph Giampa's present equity is \$0.00.

Property	Owner	Estimate of Market Value	Identified Encumbrances	Purported Equity
108 Sycamore Street, New Bedford, MA	Joseph Giampa	\$347,000.00	\$99,192.00*	\$247,808.00
68 Foster Street, New Bedford, MA	Joseph Giampa	\$325,000.00	93,818.26.00*	\$231,181.74 \$2,223,922.53

2. Each of the properties listed above is subject to an attachment on behalf of the Encompass Insurance Company pursuant to the Findings and Order dated August 16, 2005.

3. Each Estimates of Market Value detailed in the chart above are based on good-faith Opinions of Market Value performed by Realty Executives. (Opinions of Market Value are collectively annexed hereto as Exhibit 1).

4. I warrant that each of the encumbrances identified in the chart above are accurate and represent the only encumbrances on these properties.

5. I warrant that I will not further encumber any of the aforementioned properties until further Order of the Court modifying, releasing or discharging Encompass's attachments.

6. I warrant that my aggregated equitable interest in the properties identified in Paragraph 1, is an amount equal or greater than \$ 1,390,000.00.

7. Pursuant to the Court's Order dated September 19, 2005, granting in part and denying in part, Joseph Giampa's motion to dissolve ex-parte attachment of real property, it is my intention to sell real property located at 29 Howard Street, Brockton,

² 238 East Street is held by the East Street Realty Trust. Joseph Giampa holds a 50 % beneficial interest in the East Street Realty. Accordingly, Joseph Giampa's current contingent equitable interest is \$270,000.00.

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Massachusetts for \$520,000.00. The Howard Street property is encumbered by a mortgage of \$288,000.

8. The Howard Street property is subject to an attachment on behalf of Encompass pursuant to this Court's Findings and Order dated August 16, 2005.

9. Pursuant to this Court's Order granting in part and denying in part, Joseph Giampa's motion to dissolve ex-parte attachment of real property dated September 19, 2005 and based upon representations made by me, that I have Massachusetts real estate equitable interests equal to or greater than 1.89 million dollars in the remaining property subject to the attachment, reliance upon said representations, Encompass agrees to release or discharge its attachment in connection with the Howard Street property only.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 22
DAY OF SEPTEMBER, 2005.


Joseph D. Giampa